

Maricopa County Justice Courts, State of Arizona

STATE OF ARIZONA

vs.

CASE NUMBER: _____

Defendant

WRITTEN WAIVER OF ARRAIGNMENT and ENTRY of GUILTY PLEA
Pursuant to Arizona Rules of Procedure for Traffic and Boating Cases, Rule 8(b)

I UNDERSTAND that by expressing my desire to plead guilty and have my case resolved through the mail I am waiving certain rights that are guaranteed to me under both the United States Constitution and the Constitution for the State of Arizona.

I ACKNOWLEDGE that the maximum penalties that may be imposed for a class 2 misdemeanor is a fine up to a maximum of \$750.00 per charge plus an 80% surcharge and a \$10.00 probation surcharge, supervised probation for up to two years and incarceration for up to four months. I further agree that this plea is made voluntarily and of my own free will, and that I am not under any threat of force or compulsion to plead guilty. Finally, I admit that I am the person named in the complaint, that jurisdiction lies with this court, and that I do not contest the facts as stated in the complaint.

I ACKNOWLEDGE, UNDERSTAND and AGREE to waive or give up, for the charge(s) on complaint # _____

ARS (Title 28 [including Trucking regulations] and/or Title 5 violations only)

The following rights:

1. My right to an initial appearance and arraignment where the charges against me would be read to me, my constitutional rights explained to me, a plea of "not guilty" would be entered on my behalf, and a decision made on whether I would be entitled to have a court appointed attorney represent me. (NOTE: A person is not automatically entitled to a court-appointed attorney unless they are unable to afford an attorney and they are facing a likelihood of incarceration. If you are being offered the opportunity to plead guilty by mail, you are not facing a likelihood of incarceration if you plead guilty, and are therefore not eligible for a court-appointed attorney).
2. My privilege against self-incrimination, my right to remain silent, and the right to refuse to testify against myself.
3. My right to a trial or a trial by jury, if in fact I had that right under Arizona law.
4. My right to have an attorney represent me.
5. My right to confront and cross-examine witnesses who testify against me, my right to have subpoenas issued for witnesses so they must attend my trial and testify, my right to present other evidence and to testify if I chose to do so.
6. My right to appeal my conviction.

I UNDERSTAND the consequences of Rule 17.2f: If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.

I UNDERSTAND that upon payment of the fine and the acceptance of my plea by the court, I cannot change my mind or withdraw from my plea unless I file a petition for post-conviction relief within 90 days of the court's acceptance of my plea. I must prove that a terrible injustice would occur if I were forced to keep my plea of guilty. If the court denies my petition I have the right to request review of that denial from a judge of the Superior Court in Maricopa County, but that review may or may not be granted.

Date: _____

Date:

Defendant

Please sign this form and the Judgment and Sentence Order form, keep a copy for your records and return this form and the Judgment and Sentence Order form with your payment, no later than _____

If you are unable to pay the fine in full, you must contact the Court's Fines Manager by 9:00 AM, the next business day to determine if you qualify to be scheduled for a payment plan. Failure to do so may result in your license being suspended and/or a warrant being issued for your arrest for failing to comply with an order from this court.